

### **REMARKS**

In response to the final Office Action dated March 6, 2002 (Paper No. 7), claim 12 has been amended. Therefore, claims 1-32 remain in the case. Reexamination and reconsideration of the amended application are requested.

The original response to the above-referenced final Office Action was an amendment under 37 C.F.R. § 1.116. This 1.116 amendment, which was not entered, was filed at the two-month date of May 6, 2002. Due to a subsequent delay by the USPTO an Advisory Action was never mailed. On September 4, 2002, two days before the six-month date of September 6, 2002, the Applicants' attorney received a telephone call from Examiner D. Champagne. He notified the Applicants' attorney that the 1.116 amendment was not entered and that there was a delay in mailing the Advisory Action. Examiner Champagne also stated that the Advisory Action would be forthcoming.

In response to the 1.116 amendment non-entry, the Applicants have chosen to file this RCE. In doing so the Applicants assume that the Advisory Action will be mailed on or before September 6, 2002, which is the end of the six-month maximum statutory period. Consequently, the Applicants have included herewith a Petition for an Extension of Time for a one-month extension. In particular, the Applicants filed a response to the final Office Action with two months of the mailing date. An Advisory Action was not mailed until after the end of the three-month shortened statutory period. Accordingly, the shortened statutory period expires on the date the Advisory Action is mailed (as noted above, the Applicants assume the Advisory Action will be mailed prior to September 6, 2002). In addition, any extension fee pursuant to 37 C.F.R. § 1.136(a) is to be calculated from the mailing date of the Advisory Action. Thus, the Applicants have included a one-month extension of time fee along with the RCE filing fee.

### **Section 103(a) Rejections**

The final Office Action rejected claims 1-9, 12-22, 25-28, 30 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Bull et al. (U.S. Patent No. 5,901,287) in view of Gifford (U.S. Patent No. 4,845,658). The final Office Action contended that Bull et al.

disclose all elements of the Applicants' claimed invention except that Bull et al. do not disclose adjusting the results dynamically on the client. However, the final Office Action maintained that Gifford discloses adjusting the results dynamically on the client.

The Applicants respectfully traverse this rejection based on the following arguments. In particular, the Applicants respectfully submit that the cited references do not disclose, suggest or provide any motivation for at least one claimed feature of the Applicants' claimed invention. Further, the cited references fail to appreciate the advantages of this claimed feature.

To make a prima facie showing of obviousness, all of the claimed features of an Applicant's invention must be considered, especially when they are missing from the prior art. If a claimed feature is not taught in the prior art and has advantages not appreciated by the prior art, then no prima facie showing of obviousness has been made. The Federal Circuit Court has held that it was an error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Moreover, if the prior art references do not disclose, suggest or provide any motivation for at least one claimed feature of an Applicant's invention then a prima facie case of obviousness has not been established (MPEP § 2142).

Claim 1 of the Applicants' invention includes a computer-implemented method for displaying custom and personalized information on a client system. This method includes collecting data associated with a user, processing the data to extract user characteristics, and tracking at least a portion of the data and performing estimation calculations. The tracking of data and the estimation calculations are used to generate results and updated personalized information and are processed using the client. Moreover, the results are adjusted on the client and automatically communicated to the user. Adjusting of the results on the client provides "real-time interactivity in the form of manipulation, filtering and viewing of the results" (page 15, lines 15-16).

In contrast, as noted by the final Office Action, Bull et al. do not disclose adjusting the results dynamically on the client. Bull et al. merely disclose an information aggregation and synthesization system and process that utilizes server-side processing to process information. In particular, a remote user connects to the system through a network (col. 3, lines 26-29). The system resides on a server and is used to track user activity and update user profile information (col. 3, lines 32-42). At all times, however, this tracking and updating is processed using the server.

Gifford adds nothing to the cited combination that would render the Applicants' claimed invention obvious. Gifford merely discloses information delivery method and apparatus that allows filtering of queries on the client. In particular, Gifford discloses that a local terminal receives data from a central database and can selectively store a subset of the data (abstract, lines 1-5). The subset of the data that is stored on the local terminal is "only that information of particular interest to the local user" (abstract, lines 10-12). In other words, the user "is provided with means for prioritizing the area of information of particular interest to him" (col. 4, lines 61-65).

Prioritizing the area of information of particular interest to the user provides a means by which the user's most frequent requests can be answered at the local terminal (col. 10, lines 39-41). This is achieved by filtering queries. Query filtering is achieved by having a user compile "a list of routine queries into what is known as the filter list" (col. 10, lines 42-44). The filter list "describes information that will be retained at the user's local terminal" (col. 10, lines 46-47). The "local data base that results is precisely the set of records necessary to process any query in the filter list" (col. 10, lines 49-50). Thus, a selected set of routine queries is contained in the filter list and answers to these routine queries are stored in the database of the local terminal. The selected set of routine queries is unique to each local terminal allowing the local database at each user's terminal to be "customized for the particular user" (col. 4, lines 65-68).

Gifford discloses that certain queries are selected by the user using the local terminal and the answers to those queries are stored on the local terminal. Unlike, the

Applicants' invention, however, only the queries are adjusted (i.e., filtered) to create a filter list. On the other hand, the Applicants' claimed invention adjusts the results on the client. These results include sub-items, rules of enforcement of sub-item combinations, and rules of enforcement of the results (page, 4, lines 19-20; page 13, lines 15-16). Accordingly, Gifford does not disclose the Applicants' claimed feature of adjusting the results dynamically on the client, only of creating a customized database on the local terminal containing answers to a set of selected routine queries.

Amended claim 12 includes a display device having rendered thereon personalized data and updated results. The display device includes a page having at least one field of personalized information and associated criteria. In addition, a client system tracks user defined data and performs estimation calculations to automatically and dynamically generate results, adjusts the results and updates of the personalized information. As noted above, neither Bull et al. nor Gifford disclose adjusting the results dynamically on the client.

Claim 25 includes a computer-readable medium having computer-executable instructions for displaying custom and personalized information on a client system. The instructions include using a client system to collect personal data associated with a user, processing the personal data, and tracking at least a portion of the personal data and performing estimation calculations using the client system. This client-side processing is used to generate results relating to a classification profile and to update personalized information. Moreover, the user is provided with real-time interactivity to dynamically adjust the results on the client system. As discussed above, both Bull et al. and Gifford fail to disclose adjusting the results dynamically on the client.

Claim 32 includes a method for adjusting personalized results containing personalized data about a remote user. The method includes collecting a query from the remote user using a client computer, categorizing at least a portion of the query as trackable data, processing the query and trackable data to produce the personalized results, and displaying the personalized results. The method also includes providing the

remote user with real-time interaction and dynamic adjustment of the personalized results using the client computer. This real-time interactivity and adjustment of the results allows the user to manipulate and filter the results (page 15, lines 15-16). Neither Bull et al. nor Gifford disclose adjusting the results dynamically on the client.

The references of Bull et al. and Gifford both fail to appreciate or recognize the advantages of the Applicants' claimed adjusting the results dynamically on the client. More specifically, adjusting the results on the client provides a user with real-time interaction with the data (specification, page 5, lines 14-16). This real-time interaction enables the user to "quickly access and adjust information dynamically and in real time without server delays" (specification, page 5, lines 16-17). In addition, by using the client to process information, user input can be processed to "allow the real time interactivity in the form of manipulation, filtering and viewing of the results" (specification, page 15, lines 15-16).

The Applicants, therefore, submit that obviousness cannot be established since neither Bull et al. nor Gifford disclose, suggest or provide any motivation for the Applicants' claimed adjusting the results dynamically on the client. In addition, both Bull et al. and Gifford fail to appreciate the advantages of this claimed feature. Therefore, as set forth in *In re Fine* and MPEP § 2142, the combined references do not render the Applicant's claimed invention obvious because the references are missing at least one material feature of the Applicants' invention. Consequently, because a prima facie case of obviousness cannot be established due to the lack of "some teaching, suggestion, or incentive supporting the combination", the rejection must be withdrawn. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984); MPEP 2143.01.

Accordingly, the Applicants respectfully contend that the rejection of independent claims 1, 12, 25 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Bull et al. in view of Gifford has been overcome based on the arguments set forth above. Moreover, rejected claims 2-9 depend from independent claim 1, rejected claims 13-22 depend from

independent claim 12, and rejected claims 26-28 and 30 depend from independent claim 25 and are therefore also nonobvious over Bull et al. in view of Gifford (MPEP § 2143.03). The Applicants, therefore, respectfully request reexamination, reconsideration and withdrawal of the rejection of claims 1-9, 12-22, 25-28, 30 and 32 under 35 U.S.C. § 103(a) based on the foregoing arguments and amendments.

The final Office Action rejected claims 10, 11, 23, 24 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Bull et al. and Gifford in view of Wong (U.S. Patent No. 5,432,904). The final Office Action contended that Bull et al. and Gifford disclose all elements of the Applicants' invention except for calculating projected automobile repair costs. However, the final Office Action stated that Wong discloses calculating projected automobile costs, and that it would have been obvious to add the teachings of Wong to the teachings of Bull et al. and Gifford.

The Applicants respectfully traverse this rejection based on the arguments above and below. In particular, the cited references do not disclose, suggest or provide any motivation for at least one claimed feature of the Applicants' claimed invention. Further, the cited references fail to appreciate the advantages of this claimed feature.

As discussed above, independent claims 1, 12 and 25 includes adjusting the results dynamically on the client. Both Bull et al. and Gifford lack this feature. Wong adds nothing to the cited combination that would render the Applicants' claimed invention obvious. Wong merely discloses an auto repair estimate, text and graphic system for determining a repair cost of a damaged automobile. However, as noted in a previous Office Action, Wong does not disclose adjusting results dynamically on the client.

In addition, Wong does not appreciate or even recognize the advantages of the Applicants' claimed adjusting the results dynamically on the client. Accordingly, as set forth in *In re Fine* and MPEP § 2142, the Applicants respectfully contend that claims 1, 12 and 25 are patentable under 35 U.S.C. § 103(a) over Bull et al. and Gifford in view of Wong based on the above arguments. Moreover, dependent claims 10 and 11 depend

from independent claim 1, dependent claims 23 and 24 depend from independent claim 12, and dependent claim 29 depends from independent claim 25 and therefore are nonobvious over the cited references (MPEP § 2143.03). The Applicants, therefore, respectfully requests reexamination, reconsideration and withdrawal of the rejection of claims 10, 11, 23, 24 and 29.

The final Office Action rejected claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Bull et al. and Gifford in view of Chapin, Jr. (U.S. Patent No. 5,931,878). The final Office Action contended that Bull et al. and Gifford disclose all elements of the Applicants' invention except for using automobile mileage to estimate maintenance schedules. However, the final Office Action stated that Chapin, Jr. discloses this feature, and that it would have been obvious to add the teachings of Chapin, Jr. to those of Bull et al. and Gifford.

The Applicants respectfully traverse this rejection based on the arguments above and below. In particular, the cited references do not disclose, suggest or provide any motivation for at least one claimed feature of the Applicants' claimed invention. Further, the cited references fail to appreciate the advantages of this claimed feature.

As discussed above, amended independent claim 25 includes using the client system to track at least a portion of the personal data, to perform estimation calculations and to provide a user with real-time interactivity to dynamically to adjust the results. In contrast, Bull et al. and Gifford lack this adjusting the results. Chapin, Jr. adds nothing to the cited combination that would render the Applicants' invention obvious. More specifically, Chapin, Jr. includes a computer prompting system that reminds a user of events. User information is processed on a server and transmitted through a network connection (col. 3, lines 13-23).

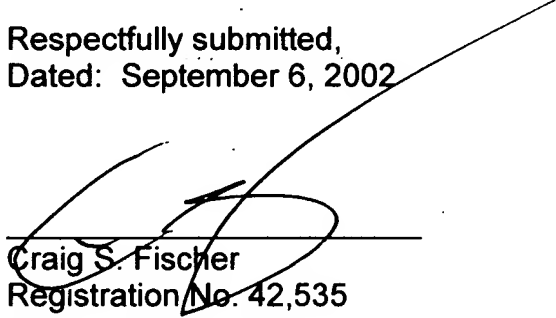
In addition, Chapin, Jr. does not appreciate or even recognize the advantages of the Applicants' claimed adjusting the results dynamically on the client. Accordingly, as set forth in *In re Fine* and MPEP § 2142, the Applicants respectfully contend that

amended claim 25 is patentable under 35 U.S.C. § 103(a) over Bull et al. and Gifford in view of Chapin, Jr. based on the above arguments. Moreover, dependent claim 31 depends from independent claim 25 and therefore also is nonobvious over the cited references (MPEP § 2143.03). The Applicants, therefore, respectfully request reexamination, reconsideration and withdrawal of the rejection of claim 31.

In view of the arguments and amendments set forth above, the Applicants respectfully submit that claims 1-32 of the subject application are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

Additionally, in an effort to expedite and further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (805) 278-8855 if the Examiner has any questions or concerns.

Respectfully submitted,  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE****IN THE SPECIFICATION**

Marked-up version of the second paragraph starting on page 16 and ending at the first line of page 17:

For example, as shown in FIG. 4, client<sub>1</sub> 400 makes request<sub>1</sub> (R<sub>1</sub>), client<sub>2</sub> 410 makes request<sub>2</sub> (R<sub>2</sub>) and client<sub>x</sub> 412 makes request<sub>x</sub> (R<sub>x</sub>). A server 414 utilizes a gather request module 416 for gathering and sorting respective [the] results for each respective request. A gather data module 418 gathers and updates respective results, sub-items (dependencies) and sub-item rules of enforcement. A transmit module 419 transmits the data, sub-items, rules of enforcement of sub-item combinations and control module (CM<sub>1</sub>, CM<sub>2</sub>, [CM<sub>3</sub>] CM<sub>x</sub>) for each set of data. This information is sent to respective clients (Client<sub>1</sub>, Client<sub>2</sub>, [Client<sub>3</sub>] Client<sub>x</sub>) and respective users of the clients 400, 410, 412. The transmitted control modules 420, 422, 424 reside on each client. Each control module 420, 422, 424 also displays the respective data results for each respective client 400, 410, 412.

**IN THE CLAIMS**

Following is a marked-up version of amended claim 12:

12. (Twice Amended) A display device having rendered thereon personalized data and updated results, the display device comprising:

a page having at least one field of personalized information and associated criteria;

wherein a client system tracks user defined data and performs estimation calculations to automatically and dynamically generate results, adjusts the results and updates the personalized information of the fields and criteria; and

wherein the client system transmits the results and personalized and updated information to the user.